

Testimony By Ms. Christine Chen

Asian Pacific Islander American Vote

Executive Director

Chairman Ehlers, Ranking Member

Millender-McDonald, and distinguished members of the Committee on the House Administration: I am Christine Chen, Executive Director of Asian and Pacific Islander American Vote (APIAVote). I appreciate the opportunity to present to you the views of APIAVote regarding identification requirements in U.S. elections.

I am privileged to represent organizations, partners and volunteers from my community who continue to promote democracy by expanding access to the electoral process by submitting testimony before the Committee this morning.

APIAVote is a national nonpartisan, nonprofit organization that encourages and promotes civic participation of Asian Pacific Islander Americans in the electoral and public policy processes at the national, state and local levels. By working with national and local partners, APIAVote focuses on coordinating activities related to voter registration, education, outreach, mobilization and voting rights advocacy. APIAVote also prioritizes strengthening local capacity by serving as a clearinghouse for information and providing resources & trainings. Within the last ten years, this historic grassroots effort ultimately formed partnerships with more than 150 local organizations and over a dozen national organizations across the country. We have been able to build and establish relationships in communities where voter turnout has been traditionally low.

VOTER REGISTRATION

Participating in the electoral process is a relatively new concept for the Asian Pacific Islander community. It was only with the enactment of the 1952 McCarran-Walter Act (also known as the Immigration and Nationality Act) that racial and ethnic barriers to naturalization were lifted to allow Asian immigrants to be naturalized citizens for the first time in history. As a largely immigrant community, APIAs were deeply impacted by the anti-immigrant sentiment during the legislative wave of 1996. Awakened to the need to become a politically engaged force, electoral organizing in the APIA community hit groundbreaking levels. Between 1990 and 2000, Asian American voters grew from less than a million to 1.98 million, a 118% growth. In 2004 3.2 million APIAs registered to vote with an 85% turnout rate.

But the APIA

community still faces many challenges in accessing and understanding the electoral system. In 2004, 6.3 million Asian Americans were eligible to vote, but only 3.2 million registered. The APIA community has not historically been reached by mainstream voter mobilization activities, and the capacity of many nonprofits and volunteers working with the APIA and largely immigrant community is very low. This is one of the main challenges that APIAVote faces as we focus on building the capacity to outreach to the community and help them access the ballot box.

H.R. 4844, the Federal Election Integrity Act of 2006, may sound like a good idea. But H.R. 4844 is a misguided approach that would disenfranchise large numbers of legal voters. Congress and the states are already successful in accomplishing the important task of preventing noncitizens from voting and ensuring voters are who they claim to be. Instead of safeguarding elections, H.R. 4844 would suppress access to the building blocks of our democracy, the right to vote for U.S. citizens.

BUREAUCRATIC BARRIER

According to APIAVote's national post-2004 election conference held last year, our partners across the country implemented a common practice and successful strategy to register potential voters by implementing voter registration drives at community events and festivals.

Many of these first time registrants were people filling out their registration form onsite and were not likely to be carrying around passports, birth certificates, and naturalization papers. H.R. 4844 would have a chilling impact on similar outreach activities in the future and ultimately depress APIA voter registration. In addition, these voter registration efforts are implemented by members of the community, most of whom are volunteers. These nonprofit organizations do not have the equipment and resources to obtain a photo copier and an outdoor power source to make copies of these documents. In addition, these volunteers are not document experts, and they may not know what documents are required to comply with this proposed legislation.

Proof of citizenship places onerous requirements on voters as well as voter registration and voter engagement organizations. A citizenship requirement to register and a photo ID to vote are so unrealistic and administratively burdensome that civic engagement will be the only activity effectively discouraged. These requirements undermine the legislative intent behind both the NVRA and HAVA, which sought to

minimize barriers to vote and facilitate access to the ballot. Further election reform should promote greater participation in and turnout for elections.

NATURAL AND/OR PERSONAL DISASTERS

Other barriers include individuals and families who were recently impacted by natural disasters such as Hurricane Katrina. In Biloxi, Mississippi where 5.11% of the community are Asian American and Pacific Islanders (AAPIs) and in New Orleans, Louisiana where over 462, 269 AAPIs reside are citizens struggling to rebuild their lives. Many are in the process of trying to obtain copies of all their legal documents that were lost in the disaster. We must not penalize these communities by taking away their voice and power of their individual vote in their time of need.

LANGUAGE BARRIER

According to the National Korean American Service & Education Consortium (NAKASEC), Korean Americans now numbering over 1.3 million and representing the 7th largest group of immigrants at close to a million. An estimated 520,000 are naturalized citizens. The majority are immigrant and Limited English Proficient voters with language access needs.

If H.R. 4844 is enacted, it will be very difficult for LEP voters to understand new requirement. Even for those jurisdictions with Section 203 coverage, this new requirement will take time for AAPI LEP voters to understand and comply. And in addition, many counties will not have resources to explain and reach out to Limited English speaking voters of the new requirements. The result is that many voters will be disenfranchised for several elections. Further, many will feel fed up with the additional requirements and not bother to vote.

ECONOMIC BARRIER

Additionally, according to Southeast Asia Resource Action Center (SEARAC), over 85,000 Southeast Asians reside mostly in the Twin cities region of Minnesota. Voter participation has increased recently with the election of two Hmong former refugees into the Minnesota State Legislature and where voters in precincts with large APIA communities utilized the same-day voter registration option at higher rates than average. Between Hennepin and Ramsey Counties, 56,996 voters in precincts with large APIA communities registered on election day. That represents almost one-fifth of total voters in APIA precincts that were able to cast a ballot on election day.

At the same time, the Asian Americans and Pacific Islander population in this region have a per capita income of \$15,536, far below that of the Twin Cities area income average of \$26,219. For communities who are financially struggling, requiring a photo ID of voters is the equivalent of a poll tax. By mandating that voters provide photo identification, H.R. 4844 would require voters to pay for a photo ID or documentation such as a passport, if they don't already have it.

For example, a birth certificate usually costs \$10 to \$15. According to the Department of Bureau of Consular Affairs, only 25-27% of eligible Americans have passports, which now cost \$97. Naturalization papers, if they are lost or damaged and need to be replaced, cost \$210. Not all eligible voters in this country can afford to purchase such identification, and H.R. 4844 does not provide remedies to help them get one. This simply means that many people will no longer be able to "afford" to exercise their constitutional right to vote.

This bill simply creates additional barriers to voter participation.

MISTRUST IN GOVERNMENT

An APIAVote study released after the 2004 elections reveals a plurality of APIAs (27%) registered to vote through the

mail. This contrasts with Non-Hispanic Whites and Blacks who favored going to government elections offices.

If H.R. 4844 was to be enacted, it will decrease the number of AAPI's registered through Vote by Mail. Many AAPI's will not send their identification in the mail for the fear of their identification will be misused and or stolen. The additional requirement for identification will increase voter's fear and their distrust in their government.

Asian and Pacific Islanders immigrated to the United States because we are a democratic nation. Many members of the Asian community traditionally come from countries that do not believe in the democratic process and did not integrate individuals into the electoral and decision making process. We are no longer a democracy when the majority of eligible voters are hindered and discouraged from participating due policies that create barriers instead of breaking them down.

APIAVote is able to register eligible individuals to vote and complement voter outreach efforts by local and state election officials. We help facilitate and develop trust amongst those engaged in civic and voter participation. It is commonly understood that officials need more resources to administer elections, and as partners in the administration of elections, voter registration groups facilitate access to communities that have been historically less active in voting. Our efforts should be focused on promoting democracy and advancing the goal to increase civic engagement an voter turnout.

Instead of discussing ways to create barriers and discourage civic participation, perhaps we should be talking about ways to increase participation. For example, APIAs are more likely to use alternative methods of voting when available. In Clark County, Nevada, a majority of voters in APIA precincts chose "early voting" or "vote-by-mail" methods to cast their ballots. For APIA precinct voters in Hennepin and Ramsey Counties, Minnesota, almost 20% registered and voted under the "same day registration" provisions.

VOTER IDENTIFICATION

APIAVote has serious concerns regarding how the voter identification law would be implemented. According to the Asian American Legal Defense and Education Fund who conducted the largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian

voters were asked for ID in states where no ID was required. In the 2004 elections, nearly 3,000 Asian American voters reported to AALDEF that were improperly required to present identification to vote, sometimes in the form of naturalization certificates. AALDEF poll monitors also found that Asian American voters were racially profiled at the polls and that demands for naturalization certificate were only made upon Asian American voters, and no other voters.

We believe that even if photo identification is available, many eligible voters will be turned away. A large number of poll workers are usually overworked, underpaid, and not properly trained. Deciding whether a voter matches or does not match the photo in an ID card is a very subjective process.

In addition, volunteer ballot observers from VNTeamwork in Houston, Texas noted that since many Vietnamese and Asian names seem similar for those not familiar with these surnames, they are often entered incorrectly into the system. Also, many Asian names place the last name before the first name which can be confusing and entered incorrectly as well. As a result, the record does not accurately match the name on the identification and documentation.

H.R. 4844 does not explain how disputes over the validity of an ID card would be handled, and because it would keep voters who don't have "valid" ID from obtaining provisional ballots, it could easily open the door to widespread racial and ethnic discrimination at polling places.

According to the Chinese Progressive Association in Boston, Massachusetts, first time voters with limited English proficiency were sometimes sent back 2-3 times to obtain improper ID. It was observed that poll workers didn't even bother trying to speak with voters directly to get their names to look them up in poll books but instead demanded identification. Some voters were turned away from voting. It is important to note that because of these problems the US Department of Justice filed a lawsuit against the City of Boston in 2005 for anti-Asian voter discrimination which resulted in a settlement requiring fully translated Chinese and Vietnamese ballots.

An example of how improper handling of documents increases racial and ethnic discrimination is illustrated with the implementation of the Immigration Reform and Control Act of 1986 (IRCA).

Under IRCA, employers may hire only persons who may legally work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9), but in many cases, employers asked for additional documentation than necessary from Latinos, Asians, and anyone that could be perceived as foreign. In a study conducted in March of 1990, GAO found that IRCA had created a widespread pattern of discrimination throughout the country, and it was most prevalent in areas with the greatest numbers of

Latinos and Asians. This study also showed that over 891,000 employers, who by their own admission, adopted discriminatory hiring practices as a result of employer sanctions.

Since 2004, APIAVote helped build a model of mentoring and organizing to get out the vote among APIA youth. For the first time in history, APIA sororities and fraternities joined a coordinated effort to mobilize 20,004 APIA youth to vote. By working closely with the Asian Pacific Islander student organizations and networks, such as the South Asian American Voting Youth, Asian Greek Alliance and the National Asian American Student Conference, APIAVote, participation increased. APIAVote is weary of how H.R. 4844 would be implemented seeing that legitimate voters with Photo ID could be turned away for benign reasons such as a driver's license not containing the voter's current address. Many college students change addresses multiple times within their college career. For example in Wisconsin, 97% of all students do not have their current address on their photo ID. H.R. 4844 could undermine the important safety net under the Help America Vote Act. If an eligible voter does not bring proper ID, H.R. 4844 would keep him or her from registering and voting.

CONCLUSION

APIAVote understands and advocates that we maintain the integrity of the United States electoral process, but we also believe that current laws are already extremely tough on individuals who try to vote illegally. It is already a federal offense for falsely claiming citizenship and for voting fraud. In addition, ever since U.S. immigration laws were reformed in 1996, non-citizens who try to vote are automatically given a one-way ticket out of the country, with no criminal conviction necessary. Proof of citizenship requirements will only penalize U.S. citizens who want to exercise their right to vote.

We believe that the type of fraud cited in support of photo ID requirements - individual voters who misrepresent their identity at the polls - is nothing but an anomaly. For example, despite the accusations of fraud as support for the new Georgia law, Secretary of State Cathy Cox stated that in her ten-year tenure, she could not recall one documented case of voter fraud involving the impersonation of a registered voter at the polls. ID requirements passed at the state level are already having a chilling effect on voter registration groups around the country.

Some states have enacted laws that create

criminal penalties that may be applied to organizations conducting voter registration. As a result, these nonprofit organizations must decide whether or not the goal to promote democracy outweighs potential criminal penalties. Instead, civic organizations should be encouraged to support methods that strengthen democracy and ensure the voice of every American is heard.

APIAVote stands in strong opposition to H.R.
4844 and the barriers to voting this law will create for all Americans.

Mr. Chairman, Ranking Member
Millender-McDonald, and Members of the Committee, thank you for providing me
with the opportunity to testify today. I will be happy to answer any
questions that you may have.